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Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

GORDON E. BEDFORD, deceased, by
and through his personal representative,
CAROL JANE BEDFORD, and CAROL
JANE BEDFORD, individually,

Plaintiffs,

vs.

CRST INTERNATIONAL, INC.,
DAVID WELK, and JOHN DOES I-IV,

Defendants.

Cause No.:

Judge:

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant CRST International, Inc. ("CRST") files this Notice of Removal, removing the above-captioned case from the Sixth Judicial District, State of Montana, to the United States District Court for the District of Montana. This matter is removable to this

Court on the basis of federal diversity jurisdiction because this is a case between a Alaska plaintiffs and an Iowa and an Indiana defendant, involving claims for more than \$75,000 for the death of Mr. Bedford, and it is timely removed with the consent of all defendants.

Statement of Removal

1. Gordon E. Bedford, deceased, by and through his personal representative, Carol Jane Bedford, and Carol Jane Bedford, individually (“Bedford”) commenced the above-captioned action in the Sixth Judicial District, Sweetgrass County, Montana by filing a Complaint. The Complaint was filed on November 20, 2015 as Cause No. DV 2015-25. CRST was served with the Complaint on December 10, 2015.

2. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the Complaint, Amended Complaint and Summons are attached and incorporated by reference as **Exhibit A**. No proceedings have occurred in state court, and no other pleadings, process, or orders have been served upon CRST. Pursuant to 28 U.S.C. § 1441(a), removal of an action originally filed in state court is proper in “any civil action brought in a State court of which the district courts of the United States have original jurisdiction.”

3. Further, 28 U.S.C. § 1332(a) provides that “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy

exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between ... citizens of different states.”

4. As set forth below, because this case involves a claim exceeding the sum of \$75,000.00, exclusive of interests and costs, because it seeks the damages for Mr. Bedford’s death, and because the case arises between citizens of different states, it lies within the original subject matter jurisdiction of this Court, pursuant to 28 U.S.C. § 1332(a). In removing this matter to this Court, CRST does not intend to waive any defenses to the action, including, but not limited to, improper service, personal jurisdiction, and/or improper venue.

Diversity of Citizenship of the Parties and Consent to Removal

5. There is complete diversity of citizenship between Plaintiffs and each defendant.

6. According to ¶ 1 of the Complaint, Plaintiffs are residents and citizens of Alaska because both were domiciled in Alaska up until the time of Mr. Bedford’s death and Mrs. Bedford is still a resident and citizen of Alaska.

7. According to ¶ 2 of the Complaint, CRST is an Iowa corporation with its principal place of business in Iowa, and therefore is a resident and citizen of Iowa.

8. Co-defendant and former employee of CRST, David Welk (“Welk”), is a resident and citizen of Indiana because he is domiciled in Indiana. Mr. Welk consents to removal of this action to federal court.

9. All defendants have diverse citizenship from Plaintiffs and each other, and none is a resident of Montana.

Amount in Controversy

10. The Complaint seeks damages for survivorship, wrongful death, and for such other and further relief as the Court or jury deem just and proper in undefined amounts.

11. Plaintiffs seek all damages recoverable for alleged wrongful death and survivorship, including the value of Mr. Bedford’s lost earning capacity, compensation for mental and physical pain and suffering in the interval between his injuries and death, loss of consortium, loss of household services and support, grief, sorrow, and mental distress.

12. From the allegations in the Complaint, the amount in controversy exceeds the threshold of \$75,000.00.

Removal Procedure

13. Removal of the above-captioned matter is timely under 28 U.S.C. § 1446(b) and Federal Rule of Civil Procedure 6(a) because this Notice of Removal is filed within 30 days of service of the Complaint by CRST. See ¶¶ 1-2, above.

14. Removal is properly made to the United States District Court for the District of Montana, under 28 U.S.C. § 1441(a), because Sweetgrass County, where this action would be pending, is within the District of Montana. See 28 U.S.C. § 106.24. The Defendants will file written notice of the filing of this Notice of Removal with the Clerk of the District Court of the Sixth Judicial District, Sweetgrass County, Montana concurrently with the filing of this Notice of Removal and will serve the same on Bedford pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, by this Notice of Removal, Defendant CRST International, Inc. hereby removes this action from the District Court of the Sixth Judicial District, Sweetgrass County, Montana and requests that this action proceed as properly removed to this Court.

Dated this 28th day of December 2015.

/s/ Paul S. Collins

Paul S. Collins

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on the 28th day of December, 2015 a true and correct copy of this document was served as follows:

☐ ECF/ Filing
☒ U.S. Mail
☐ Facsimile
☐ E-mail

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/s/ Paul S. Collins